STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

In the matter of Victor Valley Wastewater Reclamation Authority: Violation of Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region* and Violation of Waste Discharge Requirements/Federal NPDES Permit for the Unauthorized Discharge of Undisinfected Secondary-Treated Wastewater and Sediments to the Mojave River at its Regional Wastewater Treatment Plant, Victorville, San Bernardino County, WDID No. 6B360109001	) **COMPLAINT NO. R6V-2006-0002 FOR ADMINISTRATIVE CIVIL LIABILITY**

VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY, YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are charged with violating provisions of law for which the Regional Board may impose administrative civil liability pursuant to Section 13385 of the California Water Code (Water Code).

2. Unless waived, a hearing on this matter will be held before the Lahontan Water Board within 90 days following the issuance of this Complaint. Victor Valley Wastewater Reclamation Authority, or its representatives, will have an opportunity to address and contest the allegations in this Complaint and the imposition of civil liability by the Lahontan Water Board. An agenda showing the approximate time set for the hearing will be mailed to you not less than ten days before the hearing date.

3. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. Discharger

   The Victor Valley Wastewater Reclamation Authority owns and operates the Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant (hereinafter referred to as the facility). The Victor Valley Wastewater Reclamation Authority is hereinafter referred to as the Discharger.

5. Facility

   The facility is located at 20111 Shay Road in Victorville, California. The facility collects and treats wastewater from the City of Victorville, Spring Valley Lake (San Bernardino County Service Area No. 64), Southern California International Airport, Apple Valley, Oro Grande (San Bernardino County Service Area No. 42), and Hesperia. The facility is

designed to provide tertiary-level treatment (includes disinfection) for discharges to the Mojave River and to provide standard secondary-level treatment for discharges to percolation ponds located adjacent to the Mojave River. The facility is subject to Waste Discharge Requirements under Regional Board Order No. 6-99-58 (National Pollution Discharge Elimination System Permit No. CA 01102822). The permit requires use of the tertiary treatment units when discharging to the Mojave River.

6. Facts

The Regional Board adopted Board Order No. 6-99-58 on November 17, 1999 to establish waste discharge requirements for the facility. The Order also establishes federal National Pollution Discharge Elimination System Permit No. CA 0102822 for the facility, pursuant to Section 402 of the Clean Water Act. Board Order No. 6-99-58 is hereinafter referred to as the permit.

The facility collects and treats wastewater throughout the local area. All plant influent flow is directed into the primary effluent equalization basins and then undergoes secondary treatment. The waste stream is then split, with part of the flow undergoing tertiary-level treatment (filtration and disinfection) prior to discharge to the Mojave River. The remaining flow is discharged to a series of ten percolation ponds located adjacent to the Mojave River. The permit specifies annual average discharge flow limits of 8.3 million gallons per day (mgd) to the Mojave River and 4.0 mgd to the percolation pond system. The permit specifies a maximum allowable instantaneous flow rate to the treatment and disposal facilities of 14 mgd following flow equalization (Section I.A.4). The Discharger determines the flow quantity to be directed to each treatment sequence at all times.

Section I.D.7 of the permit requires a minimum two feet of freeboard for all percolation ponds at all times. According to the Discharger, (1) ultrasonic sensors monitor liquid depths in all ponds; (2) the level sensors were originally installed and configured to measure up to 3 feet of water depth in the south ponds (the south ponds were originally constructed for a 5-foot depth); (3) the level sensors were not configured to display pond freeboard, nor were the sensors configured to display a pond elevation above 3 feet of water depth; (4) the sensors were not programmed to issue an alarm upon high water readings because the alarm programming was still being written and debugged at the time of the discharge (three years after the sensors were installed).

The Discharger reported that the sensors were functional prior to the spill, but were known to periodically give false level indications due to echoes from nearby concrete structures. Therefore, plant operations staff reportedly inspects the percolation ponds several times a day to observe actual pond levels. These observations provide only estimates of pond depth and available freeboard because there were no staff gauges in the ponds at the time. The Discharger has thus far been unable to document that such visual observations were actually conducted.

The Discharger's April 11, 2005 records note that the level sensors showed a 3.3-foot depth in the No. 10 South Percolation Pond, leaving a freeboard of only 1.7 feet. The Discharger, however, stated that based on visual observations (for which there is no documentation), the

pond had sufficient capacity to contain the quantity of water that would be pumped to it during the night and still maintain adequate freeboard. The Discharger also stated that the No. 10 South Percolation Pond was overflowing into the No. 9 South Percolation Pond several days prior to April 11, 2005. The overflow point is three feet below the top of the pond.

During the early morning (1:30 a.m. to 8:20 a.m.) of April 12, 2005, plant influent flow exceeded the anticipated flow for almost 7 hours. As a result, flow into the primary effluent equalization basins exceeded the flow directed to the secondary treatment facilities. The primary effluent equalization basin high water level alarm was triggered, and Discharger staff increased flow to the secondary treatment facilities to approximately 14.5 mgd. The Discharger submitted information that the flow to the tertiary treatment units was 7.58 mgd during this time, leaving 6.92 mgd being directed to the percolation ponds. The Discharger reported that excess influent flows could not be diverted to the No. 3 storm water equalization basin because the equalization basin was almost full (influent was stored in the equalization basin the previous week while the Discharger was correcting a high sludge blanket problem in the secondary clarifier). The total instantaneous flow rate to the treatment and disposal facilities following flow equalization was therefore 14.5 mgd during this period.

At approximately 5:45 a.m. on April 12, 2005, Discharger staff observed the No. 10 South Percolation Pond overflowing its containment levee. Discharger staff immediately closed the valve that was directing the undisinfected secondary-treated wastewater into the No. 10 South Percolation Pond. The overflow eroded the levee and ultimately caused the levee to fail, releasing approximately 8,720,000 gallons of undisinfected, secondary-treated wastewater (volume reported by Discharger). The undisinfected wastewater flowed from the facility, across Shay Road, and eventually to the Mojave River.

The Discharger reported the release to the Lahontan Water Board at approximately 9:00 a.m. on April 12, 2005. The Discharger also contacted the City of Victorville and downstream water purveyors later that day. The Discharger did not contact the Office of Emergency Services or the San Bernardino County Environmental Health Services Department. Water Code Section 13271(a) requires discharger notification to the Office of Emergency Services when sewage is discharged into a water of the state.

A 50-foot long breach of the entire levee height resulted in the discharge of approximately 750 cubic yards of soil with the wastewater along the flow path to the Mojave River. Some of this soil deposited along the flow path, and additional quantities of soil were eroded along the flow path. The actual amount of soil deposited to the Mojave River cannot be accurately determined.

The Discharger collected a grab sample of the contents of the No. 10 South Percolation Pond at the time of the discharge. The results of the sample are:

Constituent	Concentration (mg/l)	Discharge Mass (pounds)
Biochemical Oxygen Demand (BOD)	6.6	480
Total Suspended Solids (TSS)	12	870

Total Dissolved Solids (TDS)	446	32,500

The Discharger collected samples from the Mojave River up and downstream from the point of discharge on April 12, 13, and 15, 2005. The discharge occurred between the Oro Grande Pump Station sample point and the River Monitoring Station sample point. The Bryman Road and Silver Lakes sample points are sequentially located downstream. The samples were analyzed for coliform. The following table summarizes the coliform sample results (reported as MPN/100 milliliters).

Date	Upstream, Oro Grande Pump Station	Downstream, River Monitoring Station	Downstream, Bryman Road	Downstream, Silver Lakes
April 12, 2005	50	Not Sampled	240	Not Sampled
April 13, 2005	110	500	130	300
April 14, 2005	50	130	140	170

The discharge resulted in the posted contamination warning of an eight-mile stretch of the Mojave River to recreational use based upon the discharge volume and the presence of coliform in the discharge. The warning was posted on April 12, 2005.

The Discharger reported that the background flow in the Mojave River (USGS Mojave Lower Narrows stream flow measurement, April 11, 2005, 11:45 a.m.) was at a rate of 65.9 cubic feet per second (cfs). The 8,720,000-gallon release from the No. 10 South Percolation Pond occurred over an approximate two-hour period, thereby having the affect of instantaneously increasing river flows by 162 cfs. Total Mojave River flow was at a rate of 228 cfs during this two-hour period, which is 340 percent greater than natural background flow.

7. Permit Violations

The Discharger violated the following requirements of its permit, adopted pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, 402, and 403 of the Federal Clean Water Act:

I.A.10. "Effluent discharge to the Mojave River shall be at all times an adequately disinfected, oxidized, coagulated, clarified, filtered wastewater."

The 8,720,000 gallons released from the South Percolation Pond No. 10 received only secondary treatment. It was not disinfected.

I.B.3. "The discharge shall not cause the surface waters of the Mojave Hydrologic Unit…to exceed the following objectives…(b) Waters shall not contain concentrations of coliform organisms attributable to human wastes…"

The 8,720,000 gallons released from the South Percolation Pond No. 10 contained coliform organisms that are directly attributable to human wastes. The discharge

resulted in downstream coliform levels of up to 500 MPN/100ml. This is an increase coliform level of up to 390 MPN/100 ml over background coliform levels of 110 MPN/100 ml in the Mojave River.

I.A.4. "The maximum instantaneous flowrate to the treatment and disposal facilities shall not exceed 14 mgd following flow equalization."

The instantaneous flowrate to the treatment and disposal facilities following flow equalization was 14.5 mgd between 1:30 am and 8:20 a.m. on April 12, 2005.

I.D.1. "The discharge of wastewater, except to the authorized disposal sites is prohibited."

The authorized disposal site for the 8,720,000 gallons of undisinfected secondary-treated wastewater is the percolation pond system site. Shay Road and the Mojave River are not authorized discharge sites for the undisinfected secondary-treated wastewater, and the 8,720,000-gallon discharge to these sites violated the above-referenced requirement.

I.D.2. "There shall be no discharge, bypass, or diversion of raw or partially treated wastewater, wastewater biosolids, grease, or oils from the collection, transport, treatment, emergency storage, or disposal facilities to adjacent land areas, or surface waters.

The 8,720,000 gallons of undisinfected secondary-treated wastewater discharged from the percolation pond treatment system constitutes a discharge of partially treated wastewater from disposal facilities.

I.D.4. "The discharge shall not cause a pollution, as defined by Section 13050(l) of the California Water Code, or a threatened pollution."

"Pollution" is defined by Water Code Section 13050(l)(1) as,

> "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:
>
> (A) The waters for beneficial uses.
> (B) Facilities which serve these beneficial uses."

The beneficial uses of the Mojave River are listed in the *Water Quality Control Plan for the Lahontan* Region (Basin Plan) and in part include: municipal and domestic supply (MUN); agricultural supply (AGR); ground water recharge (GWR); water contact recreation (REC-1); non-contact water recreation (REC-2); commercial and sportfishing (COMM); warm freshwater habitat (WARM); cold freshwater habitat (COLD); and wildlife habitat (WILD).

The San Bernardino County Environmental Health Services Department requested the Discharger to post signs along the Mojave River warning the public of possible contamination due to the significant discharge of undisinfected secondary-treated wastewater. The discharge therefore created conditions that 1) adversely affected the public's water contact recreation activities (REC-1), and 2) potentially affected the public's non-contact water recreation activities (e.g., hiking, camping) (REC-2). The actual adverse impacts to the REC-1 beneficial use represents a pollution.

I.D.7. "Percolation pond freeboard shall be a minimum of two feet at the lowest point of an invert or overflow structure."

The Discharger reported only 1.7 feet of freeboard for the No. 10 South Percolation Pond on April 11, 2005. There is no indication that a corrective action was taken to return the freeboard to the required two-foot level. The overtopping of the pond levee on April 12, 2005 further supports that no corrective action was taken in response to the April 11, 2005 freeboard data and that the required freeboard was not maintained.

8. Basin Plan Violations

The Discharger violated the following prohibitions specified in the Basin Plan, adopted pursuant to Water Code Section 13243.

A. "The discharge of waste which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited."

B. "For municipal and industrial discharges: The discharge, bypass, or diversion of raw or partially treated sewage, sludge, grease, or oils to surface waters is prohibited. The discharge of wastewater except to the designated disposal site (as designated in waste discharge requirements) is prohibited."

The Discharger violated the prohibitions cited above when 8,720,000 gallons of undisinfected secondary-treated wastewater (untreated sewage pursuant to the Federal Water Pollution Control Act) was discharged to the Mojave River. The undisinfected wastewater bypassed the required soil percolation treatment to be received at its designated disposal site within the South Percolation Pond No. 10 and instead discharged to the Mojave River. The Basin Plan states the following narrative objective for bacteria and coliform: "Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes." The elevated bacteria levels in the Mojave River immediately downstream from the discharge violated this narrative objective.

PROPOSED CIVIL LIABILITY

9. Civil Liability – California Water Code

For the violation of conditions specified in waste discharge requirements, Basin Plan prohibitions, and NPDES Permit prohibitions, the Regional Board may impose civil liability pursuant to Water Code Section 13385(c).

Water Code Section 13385(c) states that,

> "Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 ... of Chapter 5 in an amount not to exceed the sum of both of the following:
>
> (1) Ten thousand dollars ($10,000) for each day in which the violation occurs.
>
> (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."

In this matter, the maximum civil liability is $87,220,000 under Water Code Section 13385 for the discharge of undisinfected secondary-treated wastewater and sediments to the Mojave River. This is based upon:

A. One day of violating permit conditions and Basin Plan prohibitions against discharging untreated wastewater to surface waters. Maximum potential penalty for this element is $10,000.

B. The unpermitted discharge of 8,719,000 gallons to a surface water of undisinfected secondary-treated wastewater that was not cleaned up and exceeds 1,000 gallons. Maximum potential penalty for this element is $87,190,000.

C. One day of violating the 14 mgd maximum instantaneous flowrate to the treatment and disposal facilities. Maximum potential penalty for this element is $10,000.

D. At least one day of violating the minimum percolation pond freeboard requirements on April 12, 2005. Maximum potential penalty for this element is $10,000.

The discharge does not meet the criteria for assessing a minimum mandatory penalty.

10. Factors Affecting the Amount of Civil Liability

Water Code Section 13385(e) requires the Regional Board to consider enumerated factors when it decides the amount of civil liability for a discharge covered by Section 13385. The Assistant Executive Officer of the Regional Board considered those factors in recommending the amount of the administrative civil liability:

a. The nature, circumstances, extent, and gravity of the violations;

The spill discharged approximately 8,720,000 gallons of undisinfected secondary-treated wastewater to the Mojave River. Coliform levels in the river downstream of the discharge exceeded upstream levels by a maximum of 390 MPN/100 ml. The discharge exceeded the Basin Plan narrative objective for bacteria and coliform. The discharge resulted in the posting of warning signs on an eight-mile stretch of the Mojave River due to the significant discharge volume and bacterial contamination. The discharge therefore created conditions that adversely affected the public's water contact recreation beneficial use, thus creating a condition of pollution.

While there were no documented impacts to human health, local businesses that rely on recreational uses of the Mojave River, or to fish and wildlife, the discharge did create conditions within the Mojave River that could have potentially impacted these beneficial uses or facilities that serve these beneficial uses. The discharge also resulted in the violation of conditions specified in the permit as outlined in Allegation No. 7 of this Complaint. The discharge represents a serious violation based upon the condition of pollution and permit violations resulting from the discharge.

The pond overflow led to collapse of the pond levee. This collapse and subsequent discharge could have endangered persons in the vicinity of the pond. Discharger staff reported driving through sheet flow (from the pond overflow) over Shay Road as they reported to work that morning. If staff or other people had been on the road in the vicinity of the No. 10 South Percolation Pond when the levee collapsed, they may have been injured.

b. Whether discharge is susceptible to cleanup or abatement;

The undisinfected secondary-treated wastewater and associated suspended sediments that were discharged into the Mojave River were not susceptible to cleanup. The discharge immediately commingled with the Mojave River flows and was dispersed downstream.

c. The degree of toxicity of the discharge;

There were no analyses performed to determine the degree of toxicity of the discharge. Undisinfected wastewater contains pathogens that can cause sickness and (rarely) death in humans that ingest or are otherwise exposed to such materials. Bacteriological contamination exceeded standards set for drinking water and water-contact recreation (two of the designated beneficial uses of the river).

d. Ability to pay;

The Discharger's total fiscal year expenditures are budgeted to be approximately $27,990,000, much of which is marked for capital improvements. The annual operational budget for Fiscal Year 2005/2006 is approximately $5,080,000. The Discharger projects approximately $12,170,000 in revenue/income for the fiscal year. The Discharger began

the fiscal year with a balance of approximately $39,670,000, and projects to conclude the fiscal year with a balance of approximately $23,850,000.

e. The effect on the Discharger's ability to continue its business;

The maximum administrative civil liability ($87,220,000) is 366 percent of the projected year-end balance.

f. Any voluntary cleanup efforts undertaken by the violator;

The Discharger closed the valve directing undisinfected secondary-treated wastewater into the No. 10 South Percolation Pond immediately upon detecting the discharge. The Discharger re-directed flow to the North Percolation Ponds and to the tertiary treatment process (with outfall to the Mojave River). The Discharger notified the Regional Board at 9:00 a.m. on April 12, 2005 (at least three hours after the discharge began). The Discharger did not contact downstream water purveyors until later that afternoon. The Discharger did not post contamination warning signs at access points along the Mojave River until the evening of April 12, 2005, and on April 13 and 14, 2005.

The Discharger has not provided any information regarding cleanup activities on Shay Road and sediment recovery.

g. Prior history of violations;

Between February 1999 and the date of this incident, Regional Board records indicate that 16 separate violations have been documented for the Discharger's collection system and treatment/disposal system. Six violations were for the discharge of untreated sewage from the collection system, three were for unauthorized releases from the sludge digesters, two were for minor late submittals of self-monitoring reports, two were for Mojave River effluent violations, two were for effluent violations to the percolation ponds, and one was for an improper laboratory certification. These violations are listed in Attachment I, which is made a part of this Order.

Degree of culpability;

The Discharger owns, operates, and is the permit holder for the facility. The Discharger has the sole responsibility for the discharge.

The Discharger installed level sensors on the percolation ponds when the ponds were placed in service in 2002. The ponds were constructed to a depth of five feet, but the level sensors were configured only for a range of 0 to 3 feet of water depth. The Discharger reported that a high-level alarm system to have been installed with the level sensors was still being programmed at the time of the discharge (three years after installation). Any increase in water level above the three-foot depth would violate the permitted minimum freeboard requirements, but the level sensors could not indicate the increase in water level above the three-foot depth nor could the sensors sound a high-

level alarm. Had the sensors been configured to read above the three-foot depth and/or to sound a high-level alarm, the Discharger could have detected the rising level in the No. 10 South Percolation Pond and the Discharger could have been able to divert the wastewater to other percolation ponds or to the tertiary treatment system. If more frequent inspections of the ponds were made, the Discharger could have observed the impending overflow and could have prevented the discharge. The Discharger reports that there was available capacity at the facility to handle the flow. The Discharger could have prevented the 8,720,000-gallon undisinfected secondary-treated wastewater release from occurring.

The Discharger was relying on visual pond inspections to monitor their levels because of the known problems with the pond level sensors. The Discharger reported that the No. 7 and 8 South Percolation Ponds were approaching a critical condition due to high water levels and waves threatening to overtop the ponds. The Discharger further reported that the No. 9 South Percolation Pond (previously taken out of service due to poor percolation rates) had filled with water from overflow from the No. 10 South Percolation Pond days before April 11, 2005. The overflow pipe reportedly has an invert that is 3 feet below the top of the pond's berms.

The Discharger reported that a high-water alarm sounded the evening of April 11, 2005 for the primary effluent equalization basins. The Discharger increased flow through the secondary treatment to approximately 14.5 mgd. The total instantaneous flow rate to the treatment and disposal facilities exceeded the permit limit of 14 mgd. Knowing that the plant was experiencing high flows and that the percolation ponds were approaching capacity, the Discharger did not exercise a standard of care to continue inspecting the overall plant facility on a regular basis during this period. The Discharger could have prevented the 8,720,000-gallon undisinfected secondary-treated wastewater release from occurring.

i. Economic savings resulting from the violation; and,

The Discharger reported a cost difference of only $1,056 to treat the 8,720,000 gallons of undisinfected secondary-treated wastewater through the tertiary process. Subsequent to the discharge, the Discharger relocated the pond level sensors, calibrated them to read available freeboard rather than water depth, and connected them to the alarm system at a cost of only $600 plus labor.

j. Other matters as justice may require.

Regional Board staff have spent time responding to the incident and preparing the administrative civil liability. Estimated staff costs for incident response and complaint preparation are $6,000.

11. <u>Amount of Civil Liability</u>

The Assistant Executive Officer of the Regional Board considered the above factors and proposes that administrative civil liability be imposed by the Regional Board in the amount of $500,000, pursuant to Section 13385 of the California Water Code.

WAIVER OF HEARING

You may waive the right to a hearing. Waiver of your right to a hearing constitutes acceptance of the assessment of civil liability in the amount set forth within the Complaint. If you wish to waive your right to a hearing, an authorized person must sign the waiver form below, and send it with a cashier's check or money order for the full amount of the civil liability assessment, made payable to the **California State Water Resources Control Board, Cleanup and Abatement Account** and mailed, using the return envelope, to the address below. Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided pursuant to federal National Pollutant Discharge Elimination System regulations (40 Code of Federal Regulation [CFR] Parts 122, 123, and 124). The Regional Board will notify interested persons of any proposed settlement for the recommended liability and will solicit comments on the settlement for a period of thirty (30) days.

Lahontan Water Board
Attn: Robert S. Dodds, Assistant Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Any settlement will not become final until after a public comment period.

Ordered by: Original Signed By Dated: January 24, 2006
ROBERT S. DODDS
ASSISTANT EXECUTIVE OFFICER

Attachment: History of Violations

EJT/didT:/Enforcement/ACL's/VVWRA, ACL Complaint
[File Under: Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant/WDID No. 6B360109001]

ATTACHMENT I
HISTORY OF VIOLATIONS FOR THE
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

February 18, 1999: 6,000 gallons of untreated sewage was discharged as a result of vandalism. The Discharger removed standing water and disinfected the area. No enforcement action was taken.

April 20, 1999: The Discharger's April 1999 self-monitoring report noted that the wastewater discharged to the percolation ponds had a maximum daily BOD value of 59 mg/l, which exceeded the permit requirement of 45 mg/l. No enforcement action was taken.

June 30, 1999: The Discharger's June, 1999 self-monitoring report noted that the wastewater discharged to the Mojave River had an average monthly turbidity value for June 1999 of 2.35 NTU, which exceeded the permit requirement of 2.0 NTU. No enforcement action was taken.

July 30, 1999: The Discharger submitted the June 1999 self-monitoring report three days late. No enforcement action was taken.

August 30, 1999: The Discharger submitted the July 1999 self-monitoring report one day late. No enforcement action was taken.

February 22, 2002: 10 gallons of untreated wastewater was released from a manhole in Hesperia. The line was unclogged by the City of Hesperia. No disinfection occurred at the request of the City of Hesperia. No enforcement action was taken.

May 30, 2002: 13,400 gallons of anaerobically digested sludge were released to a storm channel due to a failed clamp. The release impacted 450 lineal feet of the storm channel. The Discharger replaced the clamp, installed a progressive cavity pump to prevent future discharges, removed the sludge to the sludge drying beds, and disinfected the area. No enforcement action was taken.

August 29, 2002: 200 to 300 gallons of untreated wastewater was discharged from an interceptor near Mojave Narrows Park due to vandalism. The Discharger removed the blockage (tire and tree trunk), sealed the manholes, and disinfected the area. No enforcement action was taken.

January 12, 2003: The Discharger released approximately 5,000 gallons of partially digested sludge from the No. 1 digestor to the surrounding area. The sludge was removed and sent to Equalization Basin No. 3, contaminated soil was removed to a landfill, and the area was disinfected. No enforcement action was taken.

January 15, 2003: The Discharger documented to Lahontan Water Board staff that it was using its own in-house laboratory to conduct wet chemistry analyses. Lahontan Water Board staff verified that the California Department of Health Services had not certified the in-house laboratory. The permit requires that a California Department of Health Services certified laboratory perform water quality analysis for compliance monitoring. Lahontan Water Board

staff issued a Staff Enforcement Letter requiring the use of a certified laboratory for submitting compliance sample results. The Discharger has since complied with this requirement.

February 4, 2003: The Discharger released approximately 5,500 gallons of partially digested sludge from the No. 1 digestor to the adjacent area due to an upset condition. The Discharger cleaned up the sludge, returned the sludge to the headworks, and disinfected the area. No enforcement action was taken.

April 15, 2004: The Discharger exceeded the daily maximum allowable coliform discharge to the Mojave River twice in a 30-day period. The discharge was 80 MPN/100 ml on March 17, 2004, and 110 MPN/100 ml on April 15, 2004. The permit limit is 23 MPN/100 ml in more than one sample in any 30-day period. No enforcement action was taken.

December 28, 2004: 10,000 gallons of untreated wastewater was discharged from an interceptor to a storm drain in Hesperia and, eventually, into a wash. The discharge was a result of heavy rain and an obstruction in the interceptor. The Discharger removed the obstruction, cleaned the debris, and disinfected the area. No enforcement action was taken.

January 4, 2005: 10,000 gallons of untreated wastewater was discharged from an interceptor to adjacent land in Victorville due to an obstruction. The Discharger removed the obstruction, cleaned the debris, and disinfected the area. No enforcement action was taken.

February 19, 2005: 100,000 gallons of untreated wastewater and storm water was discharged from the collection system to land in Hesperia due to construction stormwater infiltration. The Discharger halted the flow and implemented an inspection program for construction areas. Lahontan Water Board staff issued a Verbal Warning on February 19, 2005.

April 4, 2005: The Discharger exceeded the daily maximum allowable BOD concentration discharged to the percolation ponds. The discharge concentration was 60.3 mg/l, and the permit limit is 45 mg/l. Regional Board staff issued a Notice of Violation on June 9, 2005. The Discharger subsequently modified the retention time in the clarifiers to maintain permit compliance.